

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43666 of 2022

Arising Out of PS. Case No.-172 Year-2022 Thana- ATHMALGOLA District- Patna

-
1. SATISH RAI @ SATISH KUMAR Son of Nanki Rai Resident of Village - Naya Tola Raghapur, P.s.- Bakhtiyarpur, Distt.- Patna.
 2. Gope Rai Son of Ramanand Rai Resident of Village - Naya Tola Raghapur, P.s.- Bakhtiyarpur, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan Sinha, Advocate

For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 27-08-2022 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioners seek bail in connection with
Athmalgola P.S. Case No. 172 of 2022 registered for the offence
under Section 30(a) of the Bihar Prohibition and Excise Act,
2018.

The accused/petitioners are named in the F.I.R. and in
custody since 18.06.2022.



The allegation against the petitioners is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 210 litres of IMFL/country made liquor from two motorcycles and tempo.

Learned counsel appearing on behalf of the petitioners submitted that recovery of alleged illicit liquor was made from the chain of vehicles as tempo and two(2) different motorcycles, which were occupied by different persons and as such it cannot be said to be made from conscious physical possession of the petitioners, who are men of clean antecedent. It is categorically stated by learned counsel for the petitioner that charge-sheet has been submitted.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of alleged illicit liquor was not made from the conscious physical possession of the petitioners, who are men of clean antecedent coupled with the fact that charge-sheet has been submitted, let both the petitioners, above named, are directed to be released on bail in connection with Athmalgola P.S. Case No. 172 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special



Judge, Excise, Barh, Patna/concerned court, subject to the
conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

U		T	
---	--	---	--

